

# Agenda Item Form

Agenda Date: 3/23/04

Districts Affected: 3

Dept. Head/Contact Information: Patrick T. Abeln, A. A.E. 780-4736

## Type of Agenda Item:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Resolution            | <input type="checkbox"/> Staffing Table Changes   | <input type="checkbox"/> Board Appointments        |
| <input type="checkbox"/> Tax Installment Agreements       | <input type="checkbox"/> Tax Refunds              | <input type="checkbox"/> Donations                 |
| <input type="checkbox"/> RFP/ BID/ Best Value Procurement | <input type="checkbox"/> Budget Transfer          | <input type="checkbox"/> Item Placed by Citizen    |
| <input type="checkbox"/> Application for Facility Use     | <input type="checkbox"/> Bldg. Permits/Inspection | <input type="checkbox"/> Introduction of Ordinance |
| <input type="checkbox"/> Interlocal Agreements            | <input type="checkbox"/> Contract/Lease Agreement | <input type="checkbox"/> Grant Application         |
| <input type="checkbox"/> Other _____                      |   |  |

## Funding Source:

- ☐ General Fund  
☐ Grant (duration of funds: \_\_\_\_\_ Months)  
☐ Other Source: N/A

## Legal:

- ☒ Legal Review Required      Attorney Assigned (please scroll down): Sylvia Firth      ☒ Approved      ☐ Denied

Timeline Priority:    ☐ High      ☒ Medium      ☐ Low      # of days: \_\_\_\_\_

## Why is this item necessary:

To authorize Lessor's Approval of Assignment

## Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:

None

## Statutory or Citizen Concerns:

None

## Departmental Concerns:

None

## Remarks:

This is an assignment of an existing Airport lease. There is no fiscal impact on the Airport enterprise fund or the City General Fund. This assignment will simply enable continuing operations of existing aviation business on Airport.

Item: Lessor's Approval of Assignment from Ontario Aircraft Services, Inc. (Assignor) to Aircraft Service International, Inc. (ASII) (Assignee)



## **El Paso International Airport**

TO: Mayor Joe Wardy  
Jim Martinez, CAO  
City Council Representatives

FROM: Patrick T. Abeln, A.A.E.  
Director of Aviation

DATE: March 12, 2004

SUBJECT: **LESSOR'S APPROVAL OF ASSIGNMENT  
AIR CARGO CENTER AGREEMENT  
ONTARIO AIRCRAFT SERVICES, INC.  
TO AIRCRAFT SERVICE INTERNATIONAL, INC. ("ASII")**

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### **BACKGROUND AND ANALYSIS:**

Ontario Aircraft Services, Inc. has been a cargo tenant at El Paso International since December 1998 operating as a ground handler for a number of large cargo carriers. The Ontario lease covers the property known as 301 George Perry Blvd., Suite H. The existing term is for 5 years 3 months beginning August 1, 2000 with annual rentals to the City of approximately \$135,000.00.

Ontario has recently been acquired by Aircraft Service International, Inc. ("ASII") and desires to assign its Cargo lease by and between the City of El Paso and Ontario Aircraft Services, Inc. to ASII. This assignment will not affect the terms and conditions of the lease as it simply allows for the continued operation of this business at the Airport.

By this document, the City consents to the assignment provided that ASII agrees to assume and become liable for all the terms and conditions of the lease and provided Ontario guarantees the performance of ASII.

### **RECOMMENDATION:**

The Department of Aviation recommends approval of this Lessor's Approval of Assignment which has been reviewed and approved by the City Attorney's office and the Airport Board. This item has been placed on the City Council agenda of March 23, 2004 for your consideration.

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Lessor's Approval of Assignment of Air Cargo Center Agreement from Ontario Aircraft Services, Inc. to Aircraft Service International, Inc. for the property municipally known as 301 George Perry Blvd. Suite H, El Paso, Texas effective February 1, 2004.

ADOPTED THIS 23rd DAY OF MARCH, 2004.

CITY OF EL PASO:

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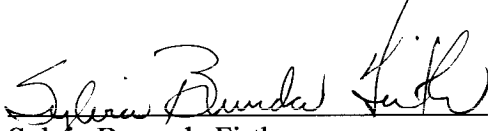
Joe Wardy  
Mayor

ATTEST:

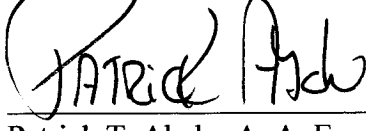
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Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
Sylvia Borunda Firth  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
Patrick T. Abeln, A. A. E.  
Director of Aviation


ORIGINATING DEPARTMENT: AIRPORT

STATE OF TEXAS       §  
                                  §  
COUNTY OF EL PASO   §

### LESSOR'S APPROVAL OF ASSIGNMENT

The City of El Paso ("Lessor") entered into an Air Cargo Center Agreement dated August 1, 2000 ("Agreement"), between the Lessor and ONTARIO AIRCRAFT SERVICES, INC., a corporation organized and existing under the laws of the State of California ("Assignor") covering the following described Leased Premises:

That certain office and warehouse space containing 12,584 square feet, more or less and also known as Air Cargo Center, 301 George Perry Blvd., Suite H; the exclusive right to use the loading dock and 5,200 square feet, more or less, of vehicle parking space directly in front of said Air Cargo Center; the non-exclusive right to use 55,960 square feet, more or less, of the aircraft parking apron and ground service equipment parking apron directly behind said Air Cargo Center; and the non-exclusive right to use a portion of the vehicle parking area, and the roadway, located in front of and adjacent to said Air Cargo Center, such portion to be commensurate with Lessee's share of warehouse and office space as to that leased to the tenants that share common use of this vehicle parking area, as shown on Exhibit A attached.

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1. **CONSENT TO ASSIGNMENT.** Lessor hereby approves and consents to the assignment of the Agreement from Assignor to Aircraft Service International Group, Inc., ("Assignee"), on the condition that Assignee assumes and becomes liable to pay any sum owing or becoming due Lessor under terms of the Agreement from and after the effective date of the assignment of the Agreement to Assignee, and upon the further condition that Assignee agree to accept and abide by all the terms, covenants, and conditions of the Agreement.
  2. **GUARANTOR:** Assignor guarantees payment of rent to the Lessor and shall remain fully liable for the prompt and complete performance of any and all obligations arising, or to arise, under the Lease.
  3. **RATIFICATION OF AGREEMENT TERMS:** No provision of this consent alters or modifies any of the terms and conditions of the Agreement
  4. **AGREEMENT RATIFICATION.** Except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

5. **ADDRESS FOR NOTICE.** Notices to Assignee shall be sufficient if sent by certified mail, postage prepaid, addressed to:

Aircraft Service International, Inc.  
Attn: Clairamargaret Groover, Sr. Legal Counsel  
201 S. Orange Ave. Suite 1400  
Orlando, FL 32801  
(Telephone: 407-648-7200)

6. **AUTHORIZED REPRESENTATIVE.** The person signing this Lessor's Approval of Assignment on behalf of the Assignee represents and warrants that he or she has the authority legally to bind the Assignee to the provisions of this Lessor's Approval of Assignment.

7. **NON-WAIVER.** The Lessor's Approval of Assignment hereby given by Lessor shall not end the need for Lessor's consent for any future assignments.

8. **EFFECTIVE DATE.** Regardless of the date of execution hereof, this Lessor's Approval of Assignment shall have an effective date of February 1, 2004.

The parties have executed this Lessor's Approval of Assignment hereto this  
23rd day of March 2004.

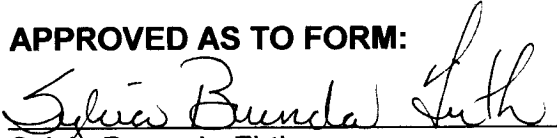
**ATTEST:**

**LESSOR: CITY OF EL PASO:**

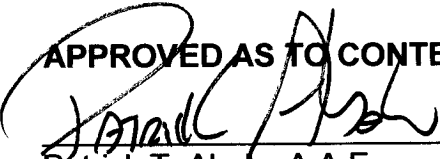
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

\_\_\_\_\_  
Joe Wardy  
Mayor

**APPROVED AS TO FORM:**


  
\_\_\_\_\_  
Sylvia Borunda Firth  
Assistant City Attorney

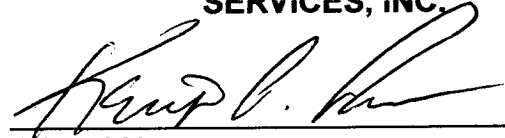
**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Patrick T. Abeln, A.A.E.  
Director of Aviation

**ATTEST:**

ASII- successor by merger to  
**ASSIGNOR: ONTARIO AIRCRAFT  
SERVICES, INC.**

  
\_\_\_\_\_  
Printed Name: Joseph I. Goldstein  
Secretary

  
\_\_\_\_\_  
Printed Name: Keith P. Ryan  
Title: President and CEO

**(SIGNATURES CONTINUE ON FOLLOWING PAGE)**

**APPROVED AS TO FORM:**  
CHG 2/23/04  
LEGAL DEPT,



EXHIBIT

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